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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,643	07/25/2000	Noriaki Hiraga	052593-5003	7356
9629	7590	12/01/2003		
MORGAN LEWIS & BOCKIUS LLP			EXAMINER	
1111 PENNSYLVANIA AVENUE NW			KITOV, ZEEV	
WASHINGTON, DC 20004			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/625,643	<b>Applicant(s)</b> HIRAGA, NORIAKI
	<b>Examiner</b> Zeev Kitov	<b>Art Unit</b> 2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

- 3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
- 4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
- 6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 10, 11, 15 and 16.

Claim(s) rejected: 1 - 3, 5 - 8.

Claim(s) withdrawn from consideration: 4, 9, 12 - 14, 17 - 45.

- 8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.
- 9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
- 10.  Other: \_\_\_\_\_.

*Stephen W. Jackson  
11-28-03*

STEPHEN W. JACKSON  
PRIMARY EXAMINER

*See attached comments*

## Comments

- (A) The Applicant argument that the Shigemoto reference is non-analogous art with respect to Applicant invention found not persuasive. An allegation that the clock wiring design method of Shigemoto is not in the area of Applicant's endeavour was addresse on the Office Action stating that "both patents have the same probewin solving area, namely design of semiconductor integrated circuits". In addition to that Examiner takes Official Notice that nowadays the Shigemoto reference of the clock wiring design concerns every digital integrated circuit design, without exception. It is hard to believe that the area of the Applicant's endeavor is a design of the digital integrated circuits (with plurality of external input/output circuits, as stated in the Claims) having no clock signals.
- (B) Applicant's amendment to the Claims 1 and 5 requires a new search, while the prosecution of the case is closed.

  
11-28-03

STEPHEN W. JACKSON  
PRIMARY EXAMINER